

PATENT APPLICATION
Docket No. 34648-00430USPX

REMARKS

In response to the Office Action dated February 19, 2003, the Applicant has amended Claim 1 and added Claim 40. Thus, Claims 1-40 remain pending in the application. Reconsideration of the claims, as amended, is respectfully requested.

Claim 1-25, 28, 30, and 33-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Byrne and further in view of Lintulampi. Applicant has amended Claim 1 to more particularly recite "wherein at least one of the mobile user equipment and the communication system contain at least one means for evaluating if a handover between the UMTS and GSM network should be effectuated and at least one means for selecting, in the case that the handover is necessary, which communication or communications are handed over". Likewise, Claim 15 includes the step of evaluating and if a handover should be effectuated and selecting, in the case that the handover is necessary, which communication or communications are handed over. Applicant respectfully submits that the recited Byrne and Lintulampi references do not describe selecting, in the case that the handover is necessary, which communication or communications are handed over. In the case of the recited references, the discussion is only made with respect to a single communication which is handed over between systems. There is no selection of communication or communications for handover in the event that the handover is necessary. Thus, Applicant's Claims 1 and 15 describe a system and method respectively that is able to select between handing over either a single communication or multiple communications if an evaluation is made that a handover is necessary. Thus, the

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Applicant respectfully submits that Claims 1 and 15, and all claims dependent therefrom, are distinguishable from the art of record, and a Notice of Allowance is respectfully requested.

With respect to Claim 39, the Applicant respectfully submits that the Byrne reference does not describe maintaining a communication on hold during and after an intersystem handover. The Official Action referenced the Abstract and column 8, lines 15-19 as disclosing this limitation. The Abstract of the Byrne reference makes no reference to a call being placed on hold nor the handover of a call placed on hold. Furthermore, column 8, lines 15-19 recite an apparatus and method for providing intersystem call handover using seamless or non-seamless handover. No discussion is provided of maintaining a communication on hold during and after a handover. Therefore, the Applicant respectfully submits that Claim 39, is distinguishable from the art of record, and a Notice of Allowance is respectfully requested.

Claim 29 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Byrne and further in view of Lintulampi and further in view of Naghshineh et al. Applicant respectfully submits that Claim 29, being dependent upon previously discussed Claim 15, is allowable for similar reasons as the Naghshineh reference fails to overcome the shortcomings of Byrne and Lintulampi.

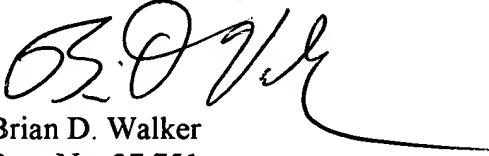
Claims 26-27 and 31-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Byrne and further in view of Lintulampi and further in view of Acampora et al. Applicant respectfully submits that these claims, being dependent upon previously discussed Claim 15, are allowable for similar reasons as the Acampora reference fails to overcome the shortcomings of Byrne and Lintulampi.

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In view of the foregoing amendments and comments, the Applicant respectfully submits that all pending claims are allowable over the art of record, and a Notice of Allowance is respectfully requested.

Respectfully submitted,

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